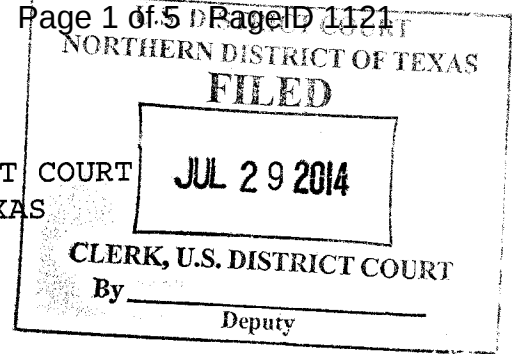


IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION



UNITED STATES OF AMERICA

§

VS.

§

§ NO. 4:14-CR-023-A

§

CHRISTOPHER ROBERT WEAST

§

FORFEITURE INSTRUCTIONS

Members of the Jury:

Now that you have decided that the defendant is guilty of the crimes charged in Counts One and Two of the Indictment, you must determine whether he must forfeit certain property to the Government.

The Indictment includes notice that certain property is subject to forfeiture to the Government because of the defendant's commission of the crimes charged in Count One (a violation of 18 U.S.C. § 2252A(a)(5) - Possession of Child Pornography) and Count Two (a violation of 18 U.S.C. § 2252A(a)(2) - Receipt of Child Pornography).

18 U.S.C. § 2253(a) provides that any person convicted of a violation of 18 U.S.C. § 2252A shall forfeit to the United States of America ~~and~~ any property, real or personal, used or intended to be used to commit or to promote the commission of the offense and any property traceable to such property.

Forfeiture means to be divested or deprived of ownership of something as a penalty for the commission of a crime. To be entitled to forfeiture of property as a result of the defendant's conviction on Count One, the Government must prove by a preponderance of the evidence that the property sought to be forfeited was used or intended to be used to commit or to promote the commission of that offense and any property traceable to such property.

To be entitled to forfeiture of property as a result of the defendant's conviction on Count Two, the Government must prove by a preponderance of the evidence that the property sought to be forfeited was used or intended to be used to commit or to promote the commission of that offense and any property traceable to such property.

While deliberating, you may consider any evidence offered by the parties at any time during the trial, including testimony offered by the Government or the defendant before or after your previous deliberations. However, you must not reexamine your previous verdict regarding guilt of the defendant in question. Your previous findings that the defendant is guilty of the offenses charged in Counts One and Two are final, conclusive, and binding. Because you are bound by your previous findings that the defendant is guilty, I direct you not to discuss in your

forfeiture deliberations whether the defendant is guilty or not guilty of the crimes charged in Counts One and Two.

With an exception that I will explain to you in a moment, all of my previous instructions regarding direct and circumstantial evidence, credibility of witnesses, and duty to deliberate apply with respect to your verdict regarding forfeiture.

My previous instructions concerning the Government's burden of proving the defendant's guilt beyond a reasonable doubt do not apply, however, to your deliberations and verdict regarding forfeiture. In the forfeiture portion of this trial, the Government must prove, by a preponderance of the evidence, that the property is subject to forfeiture. The Government is not required to prove beyond a reasonable doubt that the property is subject to forfeiture.

A preponderance of the evidence means such evidence as, when considered and compared with that opposed to it, has more convincing force and produces in your minds a belief that what is sought to be proved is more likely true than not true. In other words, "a preponderance of the evidence" means that the Government's evidence, when considered and compared with that opposed to it, has more convincing force and produces in your minds a belief that the property was used or intended to be used

to commit or to promote the commission of the offenses charged in Counts One and Two. A preponderance of the evidence is a lower standard of proof, that is, a less strict standard, than is proof beyond a reasonable doubt.

In determining whether any fact in issue has been proved by a preponderance of the evidence, you may consider the testimony of all the witnesses, regardless of who may have called them, and all the exhibits received in evidence, regardless of who may have produced them.

You are instructed that what happens to any property that is declared forfeited is exclusively a matter the court to decide. You should not consider what might happen to the property in determining whether the property is subject to forfeiture. You must disregard any claims that other persons may have to the property. The interest that other persons may have in the property will be taken into account by the court at a later time. Additionally, you must reach a unanimous verdict as to each question on the verdict form. Every juror must agree that the Government has proved by a preponderance of the evidence that the property to be forfeited was used or intended to be used to commit or to promote the commission of the crimes charged in Counts One and Two.

A verdict form has been prepared for your use. The form lists the property that the Indictment states was used or intended to be used to commit or to promote the commission of the crimes charged in Counts One and Two.

SIGNED July 29, 2014.



JOHN MCBRYDE

United States District Judge